

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

BAYER CROPSCIENCE LP and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

v.

TEDDY WILLIS,

Defendant.

Case No. 5:21-cv-00070-H

DECLARATION OF ROBERT NIXON

I, ROBERT NIXON, hereby declare as follows:

1. If called as a witness I could and would testify competently to the matters set forth in this declaration.

2. I am the Traits Marketing Lead with Bayer US LLC.

3. I am aware and have personal knowledge of the facts regarding this matter based on personal knowledge and company records.

4. Cotton seed with the Bollgard 2, Roundup Ready Flex, and/or XtendFlex traits are protected by one or more of Plaintiffs' patents as identified at <https://cs.bayerpatents.bayer.com/content/genuity-traits-cotton.aspx>.

5. Conventional cotton seed does not contain these patented traits.

6. Some dealers of seed containing Plaintiffs' traits are required to report how many bags of which type of seed they sold to which growers.

7. Dealers reported to Plaintiffs that they sold Seth Fortenberry the following seed:

a. 2016:

i. No reported purchases

b. 2017:

i. 7 bags of Bollgard 2 Roundup Ready Flex

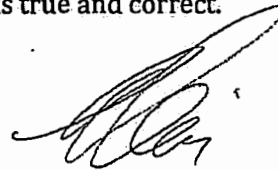
- ii. 235 bags of Bollgard 2 XtendFlex
- iii. Total: 242 bags of Bayer traited cotton seed
- c. 2018:
 - i. 57 bags of XtendFlex
 - ii. Total: 57 bags of Bayer traited cotton seed
- d. 2019:
 - i. 200 bags of Bollgard 2 XtendFlex
 - ii. 98 bags of XtendFlex
 - iii. Total: 298 bags of Bayer traited cotton seed
- e. 2020:
 - i. No reported purchases

8. A standard 230,000 seed count bag of cotton seed, planted at 35,000 seeds per acre, will plant just over 6.57 acres. At that rate, the 298 bags purchased in 2019 would plant over 1,950 acres.

9. A full mini bulk of cotton seed contains the equivalent of 40 bags of cotton seed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2022



ROBERT NIXON